

FILED
KING COUNTY, WASHINGTON

MAY 10 2019

**SEA
SUPERIOR COURT CLERK**

No Hearing Set
Hon. Judge Bradshaw

**IN THE SUPERIOR COURT OF THE STATE
OF WASHINGTON FOR KING COUNTY**

ARTHUR WEST,) No. 18-2-14942-8 SEA ✓
plaintiff,) 18-2-15000-8 SEA 1
) (consolidated)
Vs.)
) APPELLANT'S
SEATTLE CITY COUNCIL, et al,) NOTICE OF APPEAL
defendants.)

Comes now plaintiff/appellant West and respectfully provides notice of his intent to appeal, to Division I of the Court of Appeals, the following Orders;

(1.) the Order of the Trial Court of April 26, 2019, granting Defendants' Motion for Summary Judgment and dismissing West's claims regarding violations of RCW 42.30;

(2.) the Order of the Trial Court of May 9, 2019 denying Plaintiff's Motion for Summary Judgment; and

(3.) the Order of the Trial Court of May 9, 2019, denying Plaintiff's CR 56(f) Motion.

The City was represented by Pete Holmes and Bruce Wiley.

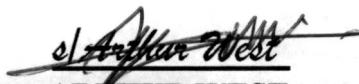
1 Plaintiff West acted on his own behalf.

2 Appellant West seeks:

3 (1.) An Order of the Appellate Court vacating the Orders designated above.

4 (2.) An Order of Remand to the Trial Court with instructions to find that the
defendants violated the OPMA and to enter judgment for the plaintiff on all
claims in the Amended Complaint.

5 Done May 9, 2019, in Olympia, Washington.

6 
7 ARTHUR WEST

8

9 **CERTIFICATE OF SERVICE**

10 I, Arthur West, certify under penalty of perjury under the laws of the State of
Washington that I caused to be served a copy of Appellant's Notice of Appeal to the
11 parties, electronically, by email on or about May 9, 2019, to the addresses listed as
follows:

12 Peter S. Holmes, WSBA #15787 Gary Smith, WSBA #29718 Michael K. Ryan, WSBA
13 #32091 Seattle Attorney's Office

14 701 Fifth Avenue, Suite 2050 Seattle, WA
98104 pete.holmes@seattle.gov gary.smith@seattle.gov michael.ryan@seattle.gov

15 David N. Bruce, WSBA #15237 Stephen C. Willey, WSBA #24499 Michele L. Stephen,
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16 1425 Fourth Avenue, Suite 800 Seattle, WA
98101 dbruce@sbwllp.com swilley@sbwllp.com mstephen@sbwllp.com

17 
18 ARTHUR WEST

The Honorable Timothy A. Bradshaw
Noted for Hearing: April 26, 2019 at 1:30 p.m.
Oral Argument Scheduled

SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

JAMES EGAN, individually,

Plaintiff,

V.

CITY OF SEATTLE, a Washington municipal corporation,

Defendant.

NO. 18-2-14942-8 SEA
(Consolidated)

[PROPOSED]

**ORDER GRANTING DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT**

ARTHUR WEST,

Plaintiff,

V.

SEATTLE CITY COUNCIL, CITY OF SEATTLE, LISA HERBOLD, BRUCE HARRELL, KSHAMA SAWANT, ROB JOHNSON, DEBORA JUAREZ, MIKE O'BRIEN, SALLY BAGSHAW, TERESA MOSQUEDA, LORENA GONZALEZ,

Defendants.

**ORDER GRANTING DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT - I**

Peter S. Holmes
Seattle City Attorney
701 5th Avenue, Suite 2050
Seattle, WA 98104-7097
(206) 684-8200

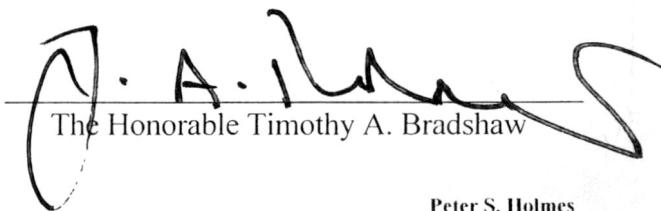
1 THIS MATTER came before the Court on Defendants' Motion for Summary Judgment
2 (the "Motion"), and the Court having considered:

- 3 (a) Defendants' Motion;
- 4 (b) Declaration of Sally Bagshaw;
- 5 (c) Declaration of Lorena González;
- 6 (d) Declaration of Bruce Harrell and the exhibits thereto;
- 7 (e) Declaration of Lisa Herbold;
- 8 (f) Declaration of Rob Johnson;
- 9 (g) Declaration of Debora Juarez;
- 10 (h) Declaration of Teresa Mosqueda;
- 11 (i) Declaration of Mike O'Brien;
- 12 (j) Declaration of Gabriella Sanders and the exhibits thereto;
- 13 (k) Appendix of non-Washington Authorities in support of Defendants' Motion;
- 14 (l) Plaintiff West's Reply in Opposition to Defendants' Motion;
- 15 (m) Defendants' Reply;
- 16 (n) Declaration of Stephanie Formas; and
- 17 (o) Supplemental Declaration of Gabriella Sanders;

18 and being familiar with the files and pleadings in this matter, and having heard oral argument
19 from counsel on April 26, 2019, is fully advised.

20 **NOW, THEREFORE**, the Court rules as follows: Defendants' Motion for Summary
21 Judgment is hereby **GRANTED**, and Plaintiff Arthur West's claims herein and his Second
22 Amended Complaint are dismissed with prejudice.

23 *IT IS SO ORDERED. The Court incorporates its oral*
24 *findings/conclusions;*
25 DATED this 26th day of April, 2019.

26 
27 The Honorable Timothy A. Bradshaw

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2 PRESENTED BY:

3
4 **Peter S. Holmes**
Seattle City Attorney

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20 *Attorneys for Defendants*

The Honorable Timothy A. Bradshaw

SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

JAMES EGAN, individually,

NO. 18-2-14942-8 SEA
(Consolidated)

Plaintiff,

v

CITY OF SEATTLE, a Washington municipal corporation.

**ORDER DENYING PLAINTIFF
WEST'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Defendant.

ARTHUR WEST,

Plaintiff,

v.

SEATTLE CITY COUNCIL, CITY OF
SEATTLE, LISA HERBOLD, BRUCE
HARRELL, KSHAMA SAWANT, ROB
JOHNSON, DEBORA JUAREZ, MIKE
O'BRIEN, SALLY BAGSHAW, TERESA
MOSQUEDA, LORENA GONZALEZ,

Defendants.

**ORDER DENYING PLAINTIFF WEST'S MOTION FOR
PARTIAL SUMMARY JUDGMENT - I**

Peter S. Holmes
Seattle City Attorney
701 5th Avenue, Suite 2050
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(206) 684-8200

1 THIS MATTER came before the Court on Plaintiff West's Motion for Partial Summary
2 Judgment (the "Motion"), and the Court having considered:

3 (a) Plaintiff's Motion, and exhibits;
4 (b) Plaintiff West's Declaration and Transcript Excerpts (*see* Sub No. 140);
5 (c) Plaintiff West's Appendix of Out of State Authorities;
6 (d) Defendants' Opposition;
7 (e) Defendants' Motion for Summary Judgment (*see* Sub No. 125);
8 (f) Declaration of Sally Bagshaw (*see* Sub No. 126);
9 (g) Declaration of Lorena González (*see* Sub No. 127);
10 (h) Declaration of Bruce Harrell and the exhibits thereto (*see* Sub No. 128);
11 (i) Declaration of Lisa Herbold (*see* Sub No. 129);
12 (j) Declaration of Rob Johnson (*see* Sub No. 130);
13 (k) Declaration of Debora Juarez (*see* Sub No. 131);
14 (l) Declaration of Teresa Mosqueda (*see* Sub No. 132);
15 (m) Declaration of Mike O'Brien (*see* Sub No. 133);
16 (n) Declaration of Gabriella Sanders and the exhibits thereto (*see* Sub No. 134);
17 (o) Appendices of non-Washington Authorities in support of Defendants' Motion
18 for Summary Judgment and in Opposition to Plaintiff West's Motion; and
19 (p) Plaintiff West's Reply, and exhibits;
20 (q) Plaintiff West's Reply in Opposition, and exhibits.

21 and being familiar with the files and pleadings in this matter, and having heard oral argument
22 from counsel on April 26, 2019, is fully advised.

23 **NOW, THEREFORE**, the Court rules as follows: Plaintiff West's Motion for Partial
24 Summary Judgment is hereby **DENIED**.

25 **IT IS SO ORDERED.**

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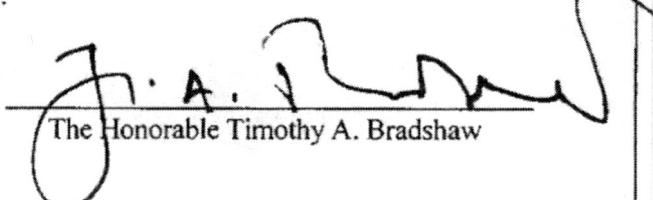
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ORDER DENYING PLAINTIFF WEST'S MOTION FOR
PARTIAL SUMMARY JUDGMENT - 2

Peter S. Holmes
Seattle City Attorney
701 5th Avenue, Suite 2050
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1 DATED this 09th day of May, 2019.

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4



The Honorable Timothy A. Bradshaw

5 PRESENTED BY:

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23 *Attorneys for Defendants*

24
25 s/ Arthur West
ARTHUR WEST
26 Plaintiff
27

ORDER DENYING PLAINTIFF WEST'S MOTION FOR
PARTIAL SUMMARY JUDGMENT - 3

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The Honorable Timothy A. Bradshaw

SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

JAMES EGAN, individually,

NO. 18-2-14942-8 SEA
(Consolidated)

Plaintiff,

**ORDER DENYING PLAINTIFF
WEST'S CR 56(f) MOTION**

CITY OF SEATTLE, a Washington municipal
corporation,

Defendant.

ARTHUR WEST,

Plaintiff,

v.

SEATTLE CITY COUNCIL, CITY OF
SEATTLE, LISA HERBOLD, BRUCE
HARRELL, KSHAMA SAWANT, ROB
JOHNSON, DEBORA JUAREZ, MIKE
O'BRIEN, SALLY BAGSHAW, TERESA
MOSQUEDA, LORENA GONZALEZ,

Defendants.

ORDER DENYING PLAINTIFF WEST'S CR 56(f) MOTION

- 1 -

Peter S. Holmes
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THIS MATTER came before the Court on Plaintiff West's CR 56(f) Motion (the "Motion"), and the Court having considered:

- (a) Plaintiff's Motion;
- (b) Defendants' Opposition;
- (c) Declaration of Gabriella Sanders and the exhibits thereto; and
- (d) Plaintiff West's Reply ("Plaintiff West's Declaration in support of CR 56(f) Motion");

and being familiar with the files and pleadings in this matter, and having heard oral argument from counsel on April 26, 2019, is fully advised.

NOW, THEREFORE, the Court rules as follows: Plaintiff West's CR 56(f) Motion is hereby **DENIED**.

IT IS SO ORDERED.

DATED this 09 day of May, 2019.

The Honorable Timothy A. Bradshaw

ORDER DENYING PLAINTIFF WEST'S CR 56(f) MOTION

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3 Seattle City Attorney

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19 Attorneys for Defendants

20
21 s/Arthur West

22 ARTHUR WEST
23 Plaintiff

24
25
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27 ORDER DENYING PLAINTIFF WEST'S CR 56(f) MOTION

- 3

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